



February 18, 2009

HOUSE BILL No. 1462

DIGEST OF HB 1462 (Updated February 16, 2009 12:07 pm - DI 113)

Citations Affected: IC 10-13; IC 20-24; IC 20-28; IC 20-33; IC 34-30.

Synopsis: Criminal history checks. Exempts a postsecondary educational institution from paying a fee for a limited criminal history record of a student in the institution's school of education before the student begins the student's field or classroom experience. Requires an expanded criminal history background check for a person seeking to obtain or renew a teaching license or certificate. Gives qualified immunity for certain school employees for certain acts or omissions during the course of their employment. Adds possession of child pornography to the list of felonies to be reported.

Effective: Upon passage; July 1, 2009; January 1, 2010.

Kersey, Porter, Behning, Barnes

January 14, 2009, read first time and referred to Committee on Education.
February 5, 2009, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.
February 17, 2009, amended, reported — Do Pass.

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HB 1462—LS 7424/DI 109+



February 18, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1462

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-13-3-36, AS AMENDED BY P.L.2-2007,
2 SECTION 147, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2010]: Sec. 36. (a) The department may
4 not charge a fee for responding to a request for the release of a limited
5 criminal history record if the request is made by a nonprofit
6 organization:

7 (1) that has been in existence for at least ten (10) years; and

8 (2) that:

9 (A) has a primary purpose of providing an individual
10 relationship for a child with an adult volunteer if the request
11 is made as part of a background investigation of a prospective
12 adult volunteer for the organization;

13 (B) is a home health agency licensed under IC 16-27-1;

14 (C) is a community mental retardation and other
15 developmental disabilities center (as defined in IC 12-7-2-39);

16 (D) is a supervised group living facility licensed under
17 IC 12-28-5;

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(E) is an area agency on aging designated under IC 12-10-1;
 (F) is a community action agency (as defined in IC 12-14-23-2);
 (G) is the owner or operator of a hospice program licensed under IC 16-25-3; or
 (H) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the department of child services or the division of family resources if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 31-27.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution. The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

- (1) by a state agency; and
- (2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the Indiana professional licensing agency established by IC 25-1-5-3 if the request is:

- (1) made through the computer gateway that is administered by the office of technology; and
- (2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

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(f) The department may not charge a church or religious society a fee for responding to a request for the release of a limited criminal history record if:

(1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(2) the request is made as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer; and

(3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society, including a child care ministry registered under IC 12-17.2-6.

(g) The department may not charge the school of education of a public or private postsecondary educational institution a fee for responding to a request for the release of a limited criminal history record if the request is made as part of a background investigation of a student before or after the student begins the student's field or classroom experience.

SECTION 2. IC 20-24-8-5, AS AMENDED BY P.L.2-2006, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 and ~~IC 20-28-5-9~~ **IC 20-28-5-9.3** (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-7-14 (void teacher contract when two (2) contracts are signed).
- (7) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (8) IC 20-28-10-14 (teacher freedom of association).
- (9) IC 20-28-10-17 (school counselor immunity).
- (10) For conversion charter schools only, IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (11) IC 20-33-2 (compulsory school attendance).
- (12) IC 20-33-3 (limitations on employment of children).
- (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (14) IC 20-33-8-16 (firearms and deadly weapons).

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(15) IC 20-34-3 (health and safety measures).

(16) IC 20-33-9 (reporting of student violations of law).

(17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).

(19) IC 20-33-7 (parental access to education records).

(20) IC 20-31 (accountability for school performance and improvement).

SECTION 3. IC 20-28-1-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: **Sec. 6.2. (a) "Expanded criminal history check" means a criminal history background check of an individual that includes:**

(1) a national criminal history background check (as defined in IC 10-13-3-12); and

(2) a check of:

(A) sex offender registries in all fifty (50) states; or

(B) the National Sex Offender Registry maintained by the United States Department of Justice.

(b) An online check of the registries referred to in subsection (a)(2)(A) or the registry referred to in subsection (a)(2)(B) may be used to satisfy the requirements of subsection (a)(2).

SECTION 4. IC 20-28-4-11, AS ADDED BY P.L.150-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 11. (a) This section applies only to:**

(1) a school corporation; or

(2) a subject area;

that is designated by the state board as having an insufficient supply of licensed teachers.

(b) The governing body of a school corporation or the appointing authority of an accredited nonpublic school may employ a program participant if the program participant is hired to teach in a subject area or a school corporation to which this section applies.

(c) Before employing a program participant under subsection (b), the superintendent of the school corporation must make a determination that one (1) of the following conditions exists:

(1) There is no fully certified and highly qualified teacher available for the position.

(2) The program participant is the best qualified candidate for the

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1 position.

2 (d) A program participant who is employed under this section is
3 eligible to receive a transition to teaching permit. The transition to
4 teaching permit is valid for three (3) years, and may not be renewed.
5 ~~IC 20-28-5-9~~ **IC 20-28-5-9.3** applies to a program participant who
6 applies for a transition to teaching permit.

7 (e) A program participant who is employed under this section:

8 (1) shall enter into either:

9 (A) a regular teacher's contract under IC 20-28-6-5; or

10 (B) a temporary teacher's contract under IC 20-28-6-6, if
11 replacing a teacher on a leave of absence;

12 (2) is eligible to participate in a mentor teacher program; and

13 (3) satisfies the field or classroom experience component of the
14 program under section 4(3) of this chapter.

15 (f) The state board:

16 (1) shall review; and

17 (2) may renew;

18 the designation of a school corporation or a subject area as having an
19 insufficient supply of licensed teachers not more than two (2) years
20 following the initial designation under subsection (a).

21 SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.151-2006,
22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2009]:Sec. 8. (a) This section applies when a prosecuting
24 attorney knows that a licensed employee of a public school or a
25 nonpublic school has been convicted of an offense listed in subsection
26 (c). The prosecuting attorney shall immediately give written notice of
27 the conviction to the following:

28 (1) The state superintendent.

29 (2) Except as provided in subdivision (3), the superintendent of
30 the school corporation that employs the licensed employee or the
31 equivalent authority if a nonpublic school employs the licensed
32 employee.

33 (3) The presiding officer of the governing body of the school
34 corporation that employs the licensed employee, if the convicted
35 licensed employee is the superintendent of the school corporation.

36 (b) The superintendent of a school corporation, presiding officer of
37 the governing body, or equivalent authority for a nonpublic school shall
38 immediately notify the state superintendent when the individual knows
39 that a current or former licensed employee of the public school or
40 nonpublic school has been convicted of an offense listed in subsection
41 (c), **or when the governing body or equivalent authority for a**
42 **nonpublic school takes any final action in relation to an employee**

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1 **who engaged in any offense listed in subsection (c).**

2 (c) The department, after holding a hearing on the matter, shall
3 permanently revoke the license of a person who is known by the
4 department to have been convicted of any of the following felonies:

5 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
6 (18) years of age.

7 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than
8 eighteen (18) years of age.

9 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
10 years of age.

11 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less
12 than eighteen (18) years of age.

13 (5) Child molesting (IC 35-42-4-3).

14 (6) Child exploitation (IC 35-42-4-4(b)).

15 (7) Vicarious sexual gratification (IC 35-42-4-5).

16 (8) Child solicitation (IC 35-42-4-6).

17 (9) Child seduction (IC 35-42-4-7).

18 (10) Sexual misconduct with a minor (IC 35-42-4-9).

19 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
20 years of age.

21 (12) Dealing in or manufacturing cocaine or a narcotic drug
22 (IC 35-48-4-1).

23 (13) Dealing in methamphetamine (IC 35-48-4-1.1).

24 (14) Dealing in a schedule I, II, or III controlled substance
25 (IC 35-48-4-2).

26 (15) Dealing in a schedule IV controlled substance
27 (IC 35-48-4-3).

28 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

29 (17) Dealing in a counterfeit substance (IC 35-48-4-5).

30 (18) Dealing in marijuana, hash oil, or hashish
31 (IC 35-48-4-10(b)).

32 **(19) Possession of child pornography (IC 35-42-4-4(c)).**

33 (d) A license may be suspended by the state superintendent as
34 specified in IC 20-28-7-7.

35 **(e) The department shall develop a data base of information on**
36 **school corporation employees who have been reported to the**
37 **department under this section.**

38 SECTION 6. IC 20-28-5-9.3 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2009]: **Sec. 9.3. Before employing a potential employee to fill any**
41 **position in a school corporation, the superintendent must conduct**
42 **an expanded criminal history check as described under**

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IC 20-28-1-6.2.

SECTION 7. IC 20-28-5-15, AS ADDED BY P.L.75-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) Notwithstanding section 3(b)(6) of this chapter, the department shall grant an initial practitioner's license in a specific subject area to an applicant who:

- (1) has earned a postgraduate degree from a regionally accredited postsecondary educational institution in the subject area in which the applicant seeks to be licensed;
- (2) has at least one (1) academic year of experience teaching students in a middle school, high school, or college classroom setting; and
- (3) complies with sections 4, ~~9~~, **9.3**, and 12 of this chapter.

(b) An individual who receives an initial practitioner's license under this section may teach in the specific subject for which the individual is licensed only in:

- (1) high school; or
- (2) middle school;

if the subject area is designated by the state board as having an insufficient supply of licensed teachers.

(c) After receiving an initial practitioner's license under this section, an applicant who seeks to renew the applicant's initial practitioner's license or obtain a proficient practitioner's license must:

- (1) demonstrate that the applicant has:
 - (A) participated in cultural competency professional development activities;
 - (B) obtained training and information from a special education teacher concerning exceptional learners; and
 - (C) received:
 - (i) training or certification that complies; or
 - (ii) an exemption from compliance;
 with the standards set forth in section 3(c) of this chapter; and
- (2) meet the same requirements as other candidates.

SECTION 8. IC 20-33-8-9, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to an individual who:

- (1) is a teacher or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative

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staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

(d) If an individual removes a student from class for violent or disruptive behavior, or an ongoing pattern of classroom procedure violations under subsection (c), the principal may place the student into another appropriate classroom or placement, or into inschool suspension. The principal may not return the student to that teacher's class until the principal has met with the:

- (1) student;**
- (2) student's teacher; and**
- (3) student's parent;**

to determine an appropriate behavior plan for the student. If the meeting under this section does not take place within a reasonable period of time, the student may be moved to another classroom at the principal's discretion.

(e) A school counselor may act on behalf of the student's parent to develop an appropriate behavior plan if the parent does not participate in the meeting under subsection (d).

SECTION 9. IC 20-33-8-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.5. (a) A teacher may take any action concerning the teacher's school of employment or at a school activity of the teacher's school of employment that is reasonably necessary to carry out or prevent an interference with an educational function or school purpose.**

(b) A teacher has qualified immunity from civil liability for acts or omissions when carrying out or preventing an interference with an educational function or school purpose under this section.

(c) Subject to rules of the governing body and the administrative staff, a teacher may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the teacher or another individual who is a school staff member.

SECTION 10. IC 20-33-8-10, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) A principal may take action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.**

(b) Subsection (a) allows a principal to write regulations that govern student conduct.

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1 **(c) A principal has qualified immunity from civil liability for**
 2 **acts or omissions when carrying out or preventing an interference**
 3 **with an educational function or school purpose.**

4 SECTION 11. IC 20-33-8-11, AS ADDED BY P.L.1-2005,
 5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 11. (a) A:

7 (1) superintendent; or

8 (2) member of the superintendent's administrative staff, with the
 9 superintendent's approval;

10 may take any action with respect to all schools within the
 11 superintendent's jurisdiction that is reasonably necessary to carry out
 12 or prevent interference with an educational function or school
 13 purposes.

14 **(b) An individual described in subsection (a) has qualified**
 15 **immunity from civil liability for acts or omissions when carrying**
 16 **out or preventing an interference with an educational function or**
 17 **school purposes.**

18 SECTION 12. IC 34-30-2-84.7 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS:
 20 [EFFECTIVE UPON PASSAGE]: Sec. 84.7. IC 20-33-8-9.5 and
 21 IC 20-33-8-10 (Concerning acts and omissions by school teachers
 22 and principals when carrying out or preventing interference with
 23 an educational function or school purpose).

24 SECTION 13. IC 20-28-5-9 IS REPEALED [EFFECTIVE JULY 1,
 25 2009].

26 SECTION 14. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1462, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 2. IC 20-24-8-5, AS AMENDED BY P.L.2-2006, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-39-1-1 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 and ~~IC 20-28-5-9~~ IC 20-28-5-9.3 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).
- (6) IC 20-28-7-14 (void teacher contract when two (2) contracts are signed).
- (7) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- (8) IC 20-28-10-14 (teacher freedom of association).
- (9) IC 20-28-10-17 (school counselor immunity).
- (10) For conversion charter schools only, IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- (11) IC 20-33-2 (compulsory school attendance).
- (12) IC 20-33-3 (limitations on employment of children).
- (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- (14) IC 20-33-8-16 (firearms and deadly weapons).
- (15) IC 20-34-3 (health and safety measures).
- (16) IC 20-33-9 (reporting of student violations of law).
- (17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).
- (18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).
- (19) IC 20-33-7 (parental access to education records).
- (20) IC 20-31 (accountability for school performance and improvement)."

Page 4, between lines 2 and 3, begin a new paragraph and insert:

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"SECTION 6. IC 20-28-4-11, AS ADDED BY P.L.150-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) This section applies only to:

- (1) a school corporation; or
- (2) a subject area;

that is designated by the state board as having an insufficient supply of licensed teachers.

(b) The governing body of a school corporation or the appointing authority of an accredited nonpublic school may employ a program participant if the program participant is hired to teach in a subject area or a school corporation to which this section applies.

(c) Before employing a program participant under subsection (b), the superintendent of the school corporation must make a determination that one (1) of the following conditions exists:

- (1) There is no fully certified and highly qualified teacher available for the position.
- (2) The program participant is the best qualified candidate for the position.

(d) A program participant who is employed under this section is eligible to receive a transition to teaching permit. The transition to teaching permit is valid for three (3) years, and may not be renewed. ~~IC 20-28-5-9~~ **IC 20-28-5-9.3** applies to a program participant who applies for a transition to teaching permit.

(e) A program participant who is employed under this section:

- (1) shall enter into either:
 - (A) a regular teacher's contract under IC 20-28-6-5; or
 - (B) a temporary teacher's contract under IC 20-28-6-6, if replacing a teacher on a leave of absence;
- (2) is eligible to participate in a mentor teacher program; and
- (3) satisfies the field or classroom experience component of the program under section 4(3) of this chapter.

(f) The state board:

- (1) shall review; and
- (2) may renew;

the designation of a school corporation or a subject area as having an insufficient supply of licensed teachers not more than two (2) years following the initial designation under subsection (a).".

Page 4, delete line 18.

Page 4, line 24, delete "." and insert ", or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).".

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Page 5, delete lines 16 through 42, begin a new paragraph and insert:

"(e) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 7. IC 20-28-5-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9.3. Before employing a potential employee to fill any position in a school corporation, the superintendent must conduct an expanded criminal history check as described under IC 20-28-1-6.2."**

Page 6, delete lines 1 through 9, begin a new paragraph and insert:

"SECTION 8. IC 20-33-8-9, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) This section applies to an individual who:

- (1) is a teacher or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

(d) If an individual removes a student from class for violent or disruptive behavior, or an ongoing pattern of classroom procedure violations under subsection (c), the principal may place the student into another appropriate classroom or placement, or into inschool suspension. The principal may not return the student to that teacher's class until the principal has met with the:

- (1) student;**
- (2) student's teacher; and**
- (3) student's parent;**

to determine an appropriate behavior plan for the student. If the meeting under this section does not take place within a reasonable period of time, the student may be moved to another classroom at the principal's discretion.

(e) A school counselor may act on behalf of the student's parent to develop an appropriate behavior plan if the parent does not participate in the meeting under subsection (d)."

Page 7, between lines 11 and 12, begin a new paragraph and insert:

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"SECTION 10. IC 20-28-5-9 IS REPEALED [EFFECTIVE JULY 1, 2009].".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1462 as introduced.)

PORTER, Chair

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1462, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 14, after "6.2." insert "(a)".

Page 4, line 17, delete "a:" and insert "**a national criminal history background check (as defined in IC 10-13-3-12); and**

(2) a check of:

(A) sex offender registries in all fifty (50) states; or

(B) the National Sex Offender Registry maintained by the United States Department of Justice.

(b) An online check of the registries referred to in subsection (a)(2)(A) or the registry referred to in subsection (a)(2)(B) may be used to satisfy the requirements of subsection (a)(2)."

Page 4, delete lines 18 through 37.

Page 7, between lines 13 and 14, begin a new paragraph and insert:
"SECTION 7. IC 20-28-5-15, AS ADDED BY P.L.75-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) Notwithstanding section 3(b)(6) of this chapter, the department shall grant an initial practitioner's license in a specific subject area to an applicant who:

(1) has earned a postgraduate degree from a regionally accredited postsecondary educational institution in the subject area in which the applicant seeks to be licensed;

(2) has at least one (1) academic year of experience teaching students in a middle school, high school, or college classroom setting; and

(3) complies with sections 4, ~~9~~, **9.3**, and 12 of this chapter.

(b) An individual who receives an initial practitioner's license under

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this section may teach in the specific subject for which the individual is licensed only in:

- (1) high school; or
- (2) middle school;

if the subject area is designated by the state board as having an insufficient supply of licensed teachers.

(c) After receiving an initial practitioner's license under this section, an applicant who seeks to renew the applicant's initial practitioner's license or obtain a proficient practitioner's license must:

- (1) demonstrate that the applicant has:
 - (A) participated in cultural competency professional development activities;
 - (B) obtained training and information from a special education teacher concerning exceptional learners; and
 - (C) received:
 - (i) training or certification that complies; or
 - (ii) an exemption from compliance;
 with the standards set forth in section 3(c) of this chapter; and
- (2) meet the same requirements as other candidates."

Page 8, line 8, delete "is immune" and insert "**has qualified immunity**".

Page 8, line 23, delete "is immune" and insert "**has qualified immunity**".

Page 8, line 36, delete "is immune" and insert "**has qualified immunity**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1462 as printed February 6, 2009.)

CRAWFORD, Chair

Committee Vote: yeas 22, nays 0.

C
o
p
y

